IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 6009 OF 2006.

Barshi Education Society ..Petitioner
V/s
Shri Sahebrao V. Bali and Ors. ..Respondents.

Mr. S.V. Pitre for petitioner.

Mr. D.W. Bhosale for respondent N0.1.

Mrs. M.P. Thakur, AGP for respondent No.2.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 11TH DECEMBER, 2006.

P.C.

. Heard Mr. Pitre, the learned Counsel for the petitioner, Society, which is aggrieved by the order dated 5/11/2005 passed by the respondent No.2 Education Officer (Secondary) Zilla Parishad, Solapur.

2. There is no dispute that the petitioner obtained his B.A. degree in 1988 and completed his B.Ed in the year 1999.

3. As per the orders issued by the Director of

Education, Maharashtra State on 9/7/1987, the benefit of trained graduate teachers pay scale is required to be extended to the existing teacher rather than appointing such teachers from outside. The impugned order has considered this aspect and granted the said benefit to the respondent No.1, who had earlier approached this Court in Writ Petition no. 7266/2003 but in vain.

4. We are satisfied that the impugned order cannot be termed as illegal, so as to call for interference at our hands. However, the petitioner-society is running fully aided school and therefore, the arrears of salary as payable to the respondent No.1 cannot be directed to be recovered from some other teachers'slary or cannot be directed to be paid by the petitioner from its own funds. The bill will have to be raised by the petitioner-society and it will be cleared by the Education Officer (Secondary), Zilla Parishad, Solapur.

5. At the same time, if the petitioner society has appointed Shikshan Sevak against a vacancy that arose on retirement of the Head Master, it is necessary that the Education Officer grants approval to the said appointment subject to the eligibility and other

criteria having been satisfied. The Education Officer will therefore, consider the case of Miss Smita Mukund Patil and pass his order within 4 weeks from today.

6. The petition is disposed off in terms of above directions.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**